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RICHARD D. HALL, CITY EDITOR, 237-2100

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CONTAMINATION

Kennebott, state settle water rift

Mining company will pay \$9 million in cash, provide \$28 million in credit.

By Alan Edwards
Deseret News staff writer

Kennebott and the state of Utah have settled a dispute over ground-water contamination caused by the company's Bingham Canyon mining operations. "It's been a long process and took a lot of patience on every part, but we feel this is a

good agreement," said David Ovard, general manager of the Salt Lake County Water Conservancy District.

According to the settlement, which U.S. District Court Judge J. Thomas Greene approved Monday, Kennebott agreed to pay the state \$9 million in cash and provide another \$28 million in a letter of credit for cleanup of the contaminated water in southwestern Salt Lake County.

In 1991, Greene rejected a previous settlement proposal between the state and Kennebott, in which the company would have paid \$12 million with little action required to mitigate damage. The judge blocked it upon the urging of the Conservancy District, which intervened in the suit.

"Our concerns were that just on

face value \$12 million didn't seem

like very much money," Ovard

said. "The state, as well, had really

not gone far enough in determining

the full nature and extent of

contamination."

The state and Kennebott jointly appealed the rejection of that previous settlement all the way to the U.S. Supreme Court, without success.

"The previous agreement really didn't address remediation," conceded Preston Chiaro, vice president of technical services for Kennebott. "The scope of this agreement is a little broader than that previous one."

In addition to the Conservancy

District, the Sierra Club also got involved in the suit and had to be pla-

cated in the new settlement. When the latest settlement was initially proposed, the Sierra Club, as well as the Environmental Protection Agency and the Salt Lake County attorney's office, filed objections to it, but a few changes in details and explanations satisfied them and they withdrew their objections.

In addition to the money, Kennebott agreed in the final settlement to continue a program it started in 1990 to control the sources of groundwater contamination around its Bingham Canyon mining operations, on which it has already spent an estimated \$135 million and on which it will spend \$28 million more.

Please see CANYON on B.

WETTER

W/035/002

Skaters drool over taste of off-limits rink

Coach, speed skaters frustrated oval won't open until next month.

DELAYS, DELAYS

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Elk Ridge wondering

city offices or nearby road Utah County sheriff's detective Castleberry said. "I don't know what to make of it's being targeted at Elk or a particular individual or just a prank," Castleberry said.

If it's not, it's a really e way to bring up a beef with a cat nailed to it, in an- cion-style, he said. In an- cident, a black cross with

white candles on it was found on the front lawn of the building. A headless chicken was tied to a road sign located near the building and an upside-down cross with an animal skull on it was nailed to the roof of City Hall at other times.

Town Councilman Scot Sessions said he and other officials don't have any leads to give detectives. "We sure wish we knew what these things are all about," Sessions said. "But we just don't have the information to make an educated guess as to what's going on." But Sessions did say that the vandalism hasn't dampened any

residents' spirits. "It hasn't made anybody here scared to live in Elk Ridge, at least to my knowledge," Sessions said. "But it's certainly not something we're encouraging."

The crosses were made with 2-by-4 boards and were hand-painted white or black, Castleberry said. The deer or sheep skull found nailed to one of the crucifixes was painted red.

"Whoever's doing this has really put a lot of work into it, for whatever reason," Castleberry said. Detectives, who haven't ruled out any cult-related reasons for the vandalism, are encouraging anyone with information on the incidents to call Utah County sheriff's dispatchers, 375-3601.

Associated Press

Police halts aroring

is either faking or exaggerating injuries, backing up the of a third psychiatrist who treated her earlier.

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Police were called to the couple's condominium about 10:20 p.m. Saturday after a woman called and said, "I just killed my husband," according to a probable cause statement filed in 5th District Court.

When officers arrived, Mary Jeanette Kelly allegedly told them she had shot her husband, the statement said.

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Layton Police detective Joe on presented a different prison surreptitiously video-

CANYON

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Those measures include restoration of two reservoirs of water used in manufacturing and concrete walls to control the flow of contaminated water around its tailing piles.

Kennecott will also be required to drill wells into the area of contaminated water, or the "plume," to remove the water at a rate of 1,000 gallons per minute. At least 400 acre-feet per year will be removed over a five-year period, costing the company an estimated \$14 million more.

Finally, Kennecott will conduct a remedial investigation/feasibility study with the state Department of Environmental Quality and the EPA at a cost of about \$1 million. The study's intent is to point to other ways Kennecott can

remedy the damage.

"This new settlement is probably worth \$80-plus million with everything," said Fred Nelson, Utah assistant attorney general who was the chief negotiator for the state. "We're pleased with it."

The contaminated area comprises about 7,000 acre-feet of water in the South Jordan/West Jordan area. According to the decree, Kennecott may produce up to that amount of water to replace municipal and private water rights it damaged, for which the company would be compensated out of the \$37 million in credit, provided it also prevents or reduces the spread of aquifer contamination.

In addition, Kennecott will be compensated out of the credit for any action the EPA requires as a result of the study.

If Kennecott does not supply good water, the state will use the letter of credit to build its own water treatment plant.

OVAL

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ing earlier than scheduled would have exceeded expected revenues.

Klotkowski, whose salary is paid by U.S. Speedskating, has another reason to be disappointed. He asked the Sports Authority for \$40,000 this year to continue his elementary school conditioning program and was turned down.

Montgomery said the state can't afford the program. Last year, the Sports Authority came up with \$12,000 last year to rent ice for the skaters. "That was defensible because we didn't get the oval open," Montgomery said.

The money is needed for sports equipment and transportation to the oval and other ice rinks, Klotkowski said. "If you start in el-

doing the right kinds of things. You can overcome the problems that brought you here. I would

PETERSON

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Her husband, David James Kelly, had been shot in the chest and was found lying on the floor of their home, about 12 miles east of Cedar City.

Messages left for investigating Iron County Deputy Jody Edwards and Brian Head Marshal Wade Carpenter were not immediately returned.

According to the probable cause statement, Edwards found a gun at the home that authorities believe was used in the shooting.

Mary Kelly is being held at the Iron County Jail.

Brian Head woman charged in death

Associated Press

CEDAR CITY — A Brian Head woman was charged Monday with first-degree felony murder in the weekend shooting death of her husband.

Police were called to the couple's condominium about 10:20 p.m. Saturday after a woman called and said, "I just killed my husband," according to a probable cause statement filed in 5th District Court.

When officers arrived, Mary Jeanette Kelly allegedly told them she had shot her husband, the statement said.

Now, the opening date for inline skating is Sept. 1. The oval is expected to stay open at least until Oct. 15 before re-opening on Nov. 24 for ice skating. A grand opening ceremony is scheduled for Dec. 9.

Randy Montgomery, executive director of the Utah Sports Authority, the state agency spending \$59 million on Olympic facilities, said the earliest the facility could have opened is last Friday.